

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 101.1(1), 101.2, 101.4 and 101.5, the State Fire Marshal in the Department of Public Safety hereby amends Chapter 226, “Liquefied Petroleum Gas,” Iowa Administrative Code.

The amendments allow for the public fueling of motor vehicles with liquefied petroleum gas, known as “LP gas,” and will authorize the owner or the owner’s designee to provide training for the safe operation of the system to the users who are dispensing LP motor fuel into LP-gas fueled motor vehicles. The amendments are consistent with the recent amendments to rule 661—201.2(100), which incorporated by reference the International Fire Code, 2015 edition. With the adoption of the current edition of the International Fire Code, the public fueling of motor vehicles with LP gas is now authorized. Automakers are now making vehicles that run on alternative fuels that replace conventional gasoline and diesel. One of the more popular fuels is LP gas. The Iowa Propane Gas Association (IPGA) supports these amendments, and there are members who are in the process of creating fueling stations to be ready when the amendments become effective. The additional fuel source will benefit Iowans and Iowa’s economy.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2658C** on August 3, 2016. A public hearing was held on August 31, 2016, in Room 125 of the Oran Pape State Office Building, Des Moines, Iowa. No members of the public attended the hearing, and no public comments were received at the hearing.

Comments were received from the IPGA regarding some revisions to the noticed amendments. Further discussions were held. The comments from IPGA requested that some of the language that had already been incorporated in the adoption of the 2015 International Fire Code and that was repeated in the rule be deleted. Standards of the National Fire Protection Association (NFPA) 58 prevail over the 2015 International Fire Code when those standards are in conflict, and language in the noticed rule to the contrary was removed. Finally, further changes were made to the new subrule that created an exception to the training requirements, to clarify that a person who is only fueling a vehicle and who does not otherwise transfer, or is not employed to transport, LP gas, or whose primary duties do not fall within the scope of the chapter, is exempt from the training requirements of the rule.

As a result of the comments, the following changes were made to the amendments as published under Notice of Intended Action:

In Item 1, new subrule 226.4(5), the reference to paragraph 226.10(2)“c” was changed to subrule 226.10(2), as that paragraph “c” has now been renumbered as subrule 226.10(2). The second sentence of subrule 226.4(5) was changed to read, “[i]f the user is also a person who transfers or is employed to transport liquefied petroleum gas, or whose primary duties fall within the scope of this chapter, then the person must comply with the requirements of subrules 226.4(1) through 226.4(4).” This change was requested by IPGA in order that it be understood that the exception for users applied only to people who were only fueling a motor vehicle and did not have any other role in transferring, transporting, or handling LP gas. There is no change to the effect or purpose of the subrule from the noticed rule.

The proposed amendment to rule 661—226.9(101) in Item 2 of the Notice was not adopted. In the existing rule, the NFPA standards control over the 2015 International Fire Code standards for the fueling of LP-gas fueled motor vehicles. Item 3 of the Notice has been renumbered as Item 2.

In noticed Item 3, now Item 2, in new rule 661—226.10(101), the introductory paragraph of subrule 226.10(2) and paragraphs 226.10(2)“a,” “b” and “d” to “g” were not adopted since the standards in those paragraphs were previously included with the adoption of the 2015 International Fire Code. Paragraph 226.10(2)“c,” the only remaining paragraph, was renumbered as subrule 226.10(2).

The statutory requirements of Iowa Code chapter 101 regarding combustible and flammable liquids and compressed gases cannot be waived. To the extent that rules are not statutorily required, those rules are subject to the waiver provisions of rule 661—10.222(17A).

The State Fire Marshal in the Department of Public Safety adopted these amendments on November 30, 2016.

After analysis and review of this rule making, there should be a positive impact on jobs and a positive impact on the safety of the public.

These amendments are intended to implement Iowa Code sections 101.1(1) and 101.2.

These amendments will become effective January 25, 2017.

The following amendments are adopted.

ITEM 1. Adopt the following new subrule 226.4(5):

226.4(5) The training requirements of subrules 226.4(1) through 226.4(4) shall not apply to users as defined in subrule 226.10(2). If the user is also a person who transfers or is employed to transport liquefied petroleum gas, or whose primary duties fall within the scope of this chapter, then the person must comply with the requirements of subrules 226.4(1) through 226.4(4).

ITEM 2. Adopt the following new rule 661—226.10(101):

661—226.10(101) Public fueling of LP-gas motor fuel vehicles.

226.10(1) Self-service LP-gas dispensing systems, including key, code, and card lock dispensing systems, shall be limited to the filling of permanently mounted containers providing fuel to the LP-gas powered vehicle.

226.10(2) The owner of the LP-gas motor fuel dispensing facility or the owner's designee shall provide for the safe operation of the system and the training of users. "Users" means the person or persons using an LP-gas motor fuel dispensing facility to dispense LP-gas motor fuel into an LP-gas fueled motor vehicle.

[Filed 11/30/16, effective 1/25/17]

[Published 12/21/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/21/16.